

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 22010 of 2005(T)

PETITIONER:

GEORGE MATHEW,
ELAMCHINGATHU, POONJAR THEKKAKARA P.O.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS:

1. MEENACHIL CO-OPERATIVE (AGRICULTURE
AND RURAL DEVELOPMENT) BANK,
MEENACHIL PALA.
2. SPECIAL SALE OFFICER,
MEENACHIL CO-OP. (AGRICULTURE AND RURAL
DEVELOPMENT) BANK, PALA.

BY FOR R1 SRI.SUNIL CYRIAC,SC,MEENACHIL CO-OP.ARD
FOR R2 ADV. SRI.T.S.RADHAKRISHNA PILLAI
SENIOR GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN
SRI.T.R.RAJEEV

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J.M.JAMES, J.

W.P.(C) No. 22010 of 2005 (T)

Dated this the 2nd day of February, 2007

J U D G M E N T

The writ petitioner filed this writ petition, on 22/07/2005, praying to quash Exhibit P1 notice dated 20/06/2005, issued to the writ petitioner, informing him of the sale of his property through public auction.

2. At the time of admission on 25/07/2005, this Court passed the following order:-

“Urgent notice before admission to R1. Government Pleader takes notice for R2. Interim stay as prayed for, on condition that the petitioner deposits an amount of Rs.11,000/- (Rupees Eleven Thousand only) per month payable on or before 20th of every month commencing from August 2005. If the petitioner commits default in any deposit as aforesaid, this order will stand automatically recalled.”

3. The writ petition has been brought up for hearing, at the instance of the first respondent. The learned counsel for the first respondent submits that the directions

contained in the order dated 25/07/2005, as quoted above, had not so far been complied with. It is also submitted that as the matter is pending, the first respondent had not so far taken any coercive action against the writ petitioner.

4. In the above circumstances, in order to avoid an adverse action on the writ petitioner, I dispose of the writ petition, directing the writ petitioner, if so advised, to approach the first respondent, with an one time settlement application, within ten days from today. The first respondent shall, hear the writ petitioner and dispose of the application, on merit, within three weeks thereafter. I am not intending to pass any other order on merit.

5. The first respondent shall be at liberty to proceed against the writ petitioner, according to the law, in the event of failure on his part to comply with the conditions contained herein.

(J.M.JAMES)
Judge

ms